

DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHOD AND SYSTEMS FOR LASER TREATMENT OF PRESBYOPIA USING OFFSET IMAGING** the specification of which is attached hereto or X was filed on March 3, 1999 as Application No. 09/261,768 and was amended on (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

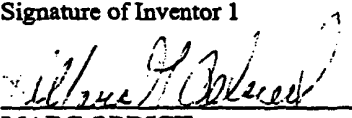


Application No.	Filing Date
60/076,786	March 4, 1998



I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status

Full Name of Inventor 1:	Last Name: ODRICH	First Name: MARC	Middle Name or Initial:	
Residence & Citizenship:	City: Riverdale	State/Foreign Country: New York	Country of Citizenship: US	
Post Office Address:	Post Office Address: 1 Hudson River Road	City: Riverdale	State/Country: New York	Postal Code: 10471
Full Name of Inventor 2:	Last Name: GREENBERG	First Name: KENNETH	Middle Name or Initial:	
Residence & Citizenship:	City: Ridgefield	State/Foreign Country: Connecticut	Country of Citizenship: US	
Post Office Address:	Post Office Address: 210 Ramapoo Road	City: Ridgefield	State/Country: Connecticut	Postal Code: 06877
Full Name of Inventor 3:	Last Name: LEGERTON	First Name: JEROME	Middle Name or Initial: A.	
Residence & Citizenship:	City: San Diego	State/Foreign Country: California	Country of Citizenship: US	
Post Office Address:	Post Office Address: 874 Harbor View Place	City: San Diego	State/Country: California	Postal Code: 92106
Full Name of Inventor 4:	Last Name: MUNNERLYN	First Name: CHARLES	Middle Name or Initial: R.	
Residence & Citizenship:	City: San Jose	State/Foreign Country: California	Country of Citizenship: US	
Post Office Address:	Post Office Address: 1731 Marseilles Court	City: San Jose	State/Country: California	Postal Code: 95138
Full Name of Inventor 5:	Last Name: SHIMMICK	First Name: JOHN	Middle Name or Initial: K.	
Residence & Citizenship:	City: Belmont	State/Foreign Country: California	Country of Citizenship: US	
Post Office Address:	Post Office Address: 1100 Lassen Drive	City: Belmont	State/Country: California	Postal Code: 95002

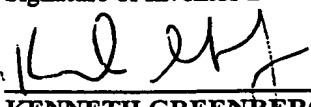
I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  MARC ODRICH	Signature of Inventor 2  KENNETH GREENBERG	Signature of Inventor 3  JEROME A. LEGERTON
Date: 4/26/99	Date: X	Date: X

Signature of Inventor 4  CHARLES R. MUNNERLYN	Signature of Inventor 5  JOHN K. SHIMMICK
Date: X	Date: X

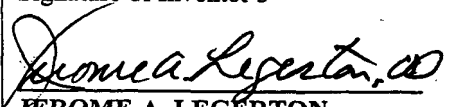
Full Name of Inventor 1:	Last Name: ODRICH	First Name: MARC	Middle Name or Initial:	
Residence & Citizenship:	City: Riverdale	State/Foreign Country: New York	Country of Citizenship: US	
Post Office Address:	Post Office Address: 1 Hudson River R ad	City: Riverdale	State/Country: New Y rk	Postal Code: 10471
Full Name of Inventor 2:	Last Name: GREENBERG	First Name: KENNETH	Middle Name or Initial:	
Residence & Citizenship:	City: Ridgefield	State/Foreign Country: Connecticut	Country of Citizenship: US	
Post Office Address:	Post Office Address: 210 Ramapoo Road	City: Ridgefield	State/Country: Connecticut	Postal Code: 06877
Full Name of Inventor 3:	Last Name: LEGERTON	First Name: JEROME	Middle Name or Initial: A.	
Residence & Citizenship:	City: San Diego	State/Foreign Country: California	Country of Citizenship: US	
Post Office Address:	Post Office Address: 874 Harbor View Place	City: San Diego	State/Country: California	Postal Code: 92106
Full Name of Inventor 4:	Last Name: MUNNERLYN	First Name: CHARLES	Middle Name or Initial: R.	
Residence & Citizenship:	City: San Jose	State/Foreign Country: California	Country of Citizenship: US	
Post Office Address:	Post Office Address: 1731 Marseilles Court	City: San Jose	State/Country: California	Postal Code: 95138
Full Name of Inventor 5:	Last Name: SHIMMICK	First Name: JOHN	Middle Name or Initial: K.	
Residence & Citizenship:	City: Belmont	State/Foreign Country: California	Country of Citizenship: US	
Post Office Address:	Post Office Address: 1100 Lassen Drive	City: Belmont	State/Country: California	Postal Code: 95002

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1 MARC ODRICH	Signature of Inventor 2  KENNETH GREENBERG	Signature of Inventor 3 JEROME A. LEGERTON
Date	Date 4/27/97	Date
Signature of Inventor 4 CHARLES R. MUNNERLYN		Signature of Inventor 5 JOHN K. SHIMMICK
Date		Date

Full Name of Inventor 1:	Last Name: ODRICH	First Name: MARC	Middle Name or Initial:	
Residence & Citizenship:	City: Riverdale	State/Foreign Country: New York	Country of Citizenship: US	
Post Office Address:	Post Office Address: 1 Hudson River Road	City: Riverdale	State/Country: New York	Postal Code: 10471
Full Name of Inventor 2:	Last Name: GREENBERG	First Name: KENNETH	Middle Name or Initial:	
Residence & Citizenship:	City: Ridgefield	State/Foreign Country: Connecticut	Country of Citizenship: US	
Post Office Address:	Post Office Address: 210 Ramapoo Road	City: Ridgefield	State/Country: Connecticut	Postal Code: 06877
Full Name of Inventor 3:	Last Name: LEGERTON	First Name: JEROME	Middle Name or Initial: A.	
Residence & Citizenship:	City: San Diego	State/Foreign Country: California	Country of Citizenship: US	
Post Office Address:	Post Office Address: 874 Harbor View Place	City: San Diego	State/Country: California	Postal Code: 92106
Full Name of Inventor 4:	Last Name: MUNNERLYN	First Name: CHARLES	Middle Name or Initial: R.	
Residence & Citizenship:	City: San Jose	State/Foreign Country: California	Country of Citizenship: US	
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Full Name of Inventor 5:	Last Name: SHIMMICK	First Name: JOHN	Middle Name or Initial: K.	
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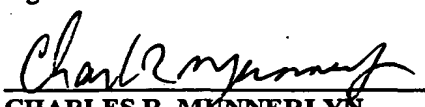
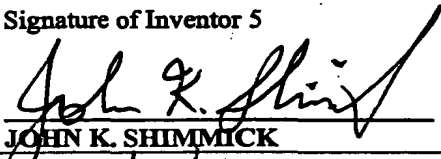
Signature of Inventor 1 MARC ODRICH	Signature of Inventor 2 KENNETH GREENBERG	Signature of Inventor 3  JEROME A. LEGERTON
Date	Date	Date APRIL 21, 1999

Signature of Inventor 4 CHARLES R. MUNNERLYN	Signature of Inventor 5 JOHN K. SHIMMICK
Date	Date

Full Name of Inventor 1:	Last Name: ODRICH	First Name: MARC	Middle Name or Initial:	
Residence & Citizenship:	City: Riverdale	State/Foreign Country: New Y rk	Country of Citizenship: US	
Post Office Address:	Post Office Address: 1 Huds n River Road	City: Riverdale	State/Country: New Y rk	Postal Code: 10471
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Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3
MARC ODRICH	KENNETH GREENBERG	JEROME A. LEGERTON
Date	Date	Date

Signature of Inventor 4	Signature of Inventor 5
 CHARLES R. MUNNERLYN	 JOHN K. SHIMMICK
Date 4/27/99	Date 4/19/99

POWER OF ATTORNEY BY ASSIGNEE

VISX, Incorporated is the Assignee of the invention entitled: **Method and Systems for Laser Treatment of Presbyopia Using Offset Imaging**, the specification of which ___ is attached hereto or X was filed on March 3, 1999 as Application Serial No. 09/261,768.

Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Mark D. Barrish, Reg. No. 36,443
James M. Heslin, Reg. No. 29,541
Gary T. Aka, Reg. No. 29,038
Robert C. Colwell, Reg. No. 27,431
Paul C. Haughey, Reg. No. 31,836
David N. Slone, Reg. No. 28,572
William M. Smith, Reg. No. 30,223
James F. Hann, Reg. No. 29,719
Darin J. Gibby, Reg. No. 38,464
Hao Y. Tung, Reg. No. 43,209

Send Correspondence to:

Mark D. Barrish, Esq.
TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834

Direct Telephone Calls to:

Mark D. Barrish, Esq.
Reg. No. 36,443
(650) 326-2400

VISX, INCORPORATED

Date: 4/30/99

Signature: 

Name: Timothy Maier

Title: Chief Financial Officer

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: VISX, Inc.

Application No./Patent No.: Unknown

Filed/Issue Date: Unknown

Entitled: METHOD AND SYSTEMS FOR LASER TREATMENT OF PRESBYOPIA USING OFFSET IMAGING

VISX, Inc., a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

In the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 010025, Frame 0311, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

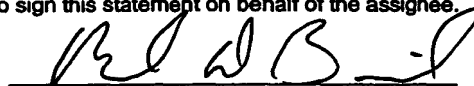
☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

July 9, 2001

Date



Signature

Mark D. Barrish, Esq., Reg. No. 36,443

Typed or printed name

Patent Attorney

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PA 3155809 v1



01855-0111045
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

AUGUST 18, 1999

PTAS
TOWNSEND AND TOWNSEND AND CREW LLP
MARK D. BARRISH
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111-3834



101069804A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 05/28/1999

REEL/FRAME: 010025/0311
NUMBER OF PAGES: 9

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

ODRICH, MARC

DOC DATE: 04/20/1999

ASSIGNOR:

GREENBERG, KENNETH

DOC DATE: 04/27/1999

ASSIGNOR:

LEGERTON, JEROME

DOC DATE: 04/21/1999

ASSIGNOR:

MUNNERLYN, CHARLES R.

DOC DATE: 04/27/1999

ASSIGNOR:

SHIMMICK, JOHN K.

DOC DATE: 04/19/1999

ASSIGNEE:

VISX, INCORPORATED
3400 CENTRAL EXPRESSWAY
SANTA CLARA, CALIFORNIA 95051

TOWNSEND & TOWNSEND
RECEIVED
99 AUG 30 AM 8:40

010025/0311 PAGE 2

SERIAL NUMBER: 09261768
PATENT NUMBER:

FILING DATE: 03/03/1999
ISSUE DATE:

SHARON LATIMER, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

ORM PTO-1595
rev. 6-93)

Recordation Form Cover Sheet
(Patents Only)

U.S. Department of Commerce
Patent and Trademark Office

the Honorable Asst. Commissioner for Patents. Please record the attached original documents or copy thereof

Name of conveying party(ies):

Marc Odrich, Kenneth Greenberg, Jerome Legerton,
Charles R. Munnerlyn and John K. Shimmick

Additional name(s) of conveying parties attached?

☐ Yes ☒ No.

Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other:

Execution Date: 4/19/99; 4/20/99; 4/21/99 and 4/27/99

2. Name and address of receiving party(ies)

Name: VISX, Incorporated

Internal Address:

Street Address: 3400 Central Expressway

City: Santa Clara State: CA ZIP: 95051

Additional names and addresses attached?

☐ Yes ☒ No

1. Application Number(s) or Patent Numbers.

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No(s): 09/261,768

B. Patent No(s):

Additional numbers attached? ☐ Yes

☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Mark D. Barrish
TOWNSEND AND TOWNSEND AND CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
(650) 326-2400

6. Total number of applications and patents involved 1

7. Total fee (37 CFR 3.41): \$40.00

- ☐ Enclosed ☒ Charge Fees to Deposit Account
☒ Charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to deposit account.

8 Deposit account number: 20-1430

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true of copy of the original document.

Mark D. Barrish
Name of Person Signing

Signature

May 25, 1999
Date

Atty Reg. No. 36,443

Total number of pages including cover sheet, attachments and document 9

10. Change Correspondence Address to that of Part 5? ☐ Yes ☒ No

OMB N . 0651-0011 (exp. 4/94)

Mail documents to be recorded with required cover to:

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Asst. Commissioner for Patents
Box: Assignments
Washington, D.C. 20231

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Marc Odrich, of 1 Hudson River Road, Riverdale, New York 10471, Kenneth Greenberg, of 210 Ramapoo Road, Ridgefield, Connecticut 06877, Jerome A. Legerton, of 874 Harbor View Place, San Diego, California 92106, Charles R. Munnerlyn, of 1731 Marseilles Court, San Jose, California 95138, and John K. Shimmick, of 1100 Lassen Drive, Belmont, California 95002 hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: **METHOD AND SYSTEMS FOR LASER
TREATMENT OF PRESBYOPIA USING
OFFSET IMAGING**

Date(s) of execution
of Declaration:

Filing Date: **March 3, 1999**

Application No.: **09/261,768**

WHEREAS, VISX, Incorporated, located at 3400 Central Expressway, Santa Clara, California 95051-0703, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignors hereby authorize and request Townsend and Townsend and Crew LLP, Two Embarcadero Center, 8th Floor, San Francisco, California 94111-3834, to insert herein above the application number and filing date of said application when known.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 4/26/99



Marc Odrich

Dated: _____

Kenneth Greenberg

Dated: _____

Jerome Legerton

Dated: _____

Charles R. Munnerlyn

Dated: _____

John K. Shimmick

Assignment

Attorney Docket N .: 18158-011110

Page 2

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: _____

Marc Odrich

Dated: X 4/29/98 _____

X 

Kenneth Greenberg

Dated: _____

Jerome Legerton

Dated: _____

Charles R. Munnerlyn

Dated: _____

John K. Shimmick

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: _____

X _____
Marc Odrich

Dated: X _____

X _____
Kenneth Greenberg

Dated: APRIL 21, 1999

X *Jerome Legerton, D.*
Jerome Legerton

Dated: _____

X _____
Charles R. Munnerlyn

Dated: _____

X _____
John K. Shimmick

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: _____

X

Marc Odrich

Dated: _____

X

Kenneth Greenberg

Dated: _____

Y

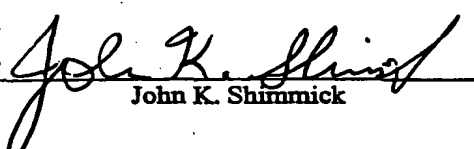
Jerome Legerton

Dated: 4/27/99



Charles R. Munnerlyn

Dated: 4/19/99

X 

John K. Shimmick